IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 25248 of 2004**

Between:

1. Tanneru Khader Babu, S/o late Subbaiah, Agriculture, R/o Jaganadhampuram village, Mulkalapally Mandal, Khammam District.

2. Tanneru Venkateswar Rao, S/o late Subbaiah, Agriculture, R/o Jaganadhampuram village, Mulkalapaly Mandal, Khammam District.

3. Tanneru Appa Rao, S/o late Subaiah, Agriculture, R/o Jaganadhampuram village,, Mulkalapally Mandal, Khammam District.

4. Tanneru Pedda Pullaiah, S/o late Subbaiah, Agriculture, R/o Jaganadhampuram village, Mulkalapaly Mandal, Khammam District.

5. Tanneru Chinna Pullaiah, S/o late Venkata Subbaiah, Agriculture, R/o Jagannadhampuram village, Mulkalapaly Mandal, Khammam District.

**.....PETITIONERS**

AND

The Mandal Revenue Officer, Mulkalapally Mandal, Khammam District.
**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction to the respondent more particularly one in the nature of mandamus declaring the action of the respondent in interfering with the peaceful possession and enjoyment of the petitioners in respect of the land in Survey Nos.626/5, admeasuring Ac.0.12 Gts. Ac.0.11 Gts, 0.12 Gts, 0.12 Gts and Ac.1.08 Gts. respectively in respect of the land in Survey No.626/6, admeasuring Ac.0-09 Gts., Ac.0-10 Gts., Ac.0-10 Gts., Ac.0-10 Gts., and Ac.0-39 Gts., respectively, in respect of the land in Survey No.626/17 to an extent of Ac.1.00 belonging to the 1st petitioner, Ac.0.20 Gts belonging to 3rd petitioner and Ac.2.00 belonging to the 5th petitioner, in respect of the land in Survey No.626/40 admeasuring 0.30 Gts each belonging to the petitioners 1 to 4 and Ac.3.32 Gts belonging to the 5th petitioner and the land in Survey No.626/42 to an extent of Ac.0.38 Gts, 0.37 Gts, 0.17 Gts, 0.38 Gts and Ac.3.30 Gts respectively belonging to the petitioners, situated at Jaganadhapuram village, Mulkalapaly Mandal, Khammam District, when the petitioners are recorded as owners and possessors of their respective extents stated above in the Record of Rights prepared and maintained as per the provisions of A.P.Rights in Land and Pattedar Pass-books Act, 1971 as arbitrary, illegal and without jurisdiction and also in violation of principles of natural justice and as such

violative of Articles 14 and 21 of the Constitution of India.

**For the Petitioners: MR.V.T.M.PRASAD, Advocate**

**For the Respondent: GP FOR REVENUE**

**The Court at the stage of admission made the following:**

**ORDER:**

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue and with their consent the writ petition is finally disposed of at the stage of admission.

Petitioners claim to be owners of Ac.2-15 guntas of land in Survey No.626/5, Ac.1-38 guntas in Survey No.626/6, Ac.3-20 guntas in Survey No. 626/17, Ac.7-02 guntas in Survey No.626/40 and Ac.7-20 guntas in Survey No.626/42 situated at Jaganadhapuram village, Mulkalapally mandal of Khammam District. They state that their names were entered in Record and Rights prepared and maintained under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 as owners and possessors in respect of the lands, and pass books were also issued to them. Their grievance is that the respondent without having any authority and without giving any notice to them, tried to dispossess them from the lands in order to fulfill the target fixed by his superior authorities with respect to the decision taken by the State Government to distribute pattas to 10 lakh people before 26-01-2005 in the State. Assailing the impugned action of the respondent, the petitioners filed the present writ petition.

If the respondent intends to acquire private lands of individuals, he shall follow the procedure established by law and pay compensation to the individuals. If the land is a Government land, which is under encroachment, he shall follow the procedure under Land Encroachment Act, for eviction. Till then, the parties shall maintain status quo obtaining as on today as regards the possession of the petitioners. If the respondent has already followed the due process of law in the matter, he is at liberty to take consequential steps for eviction.

Accordingly, the writ petition is disposed of at the stage of admission.

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**N.V. RAMANA, J**

**Date: 31-12-2004**

Svv

To

1. The Mandal Revenue Officer, Mulkalapally Mandal, Khammam District.

2. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, A.P.,Hyderabad (OUT).

3. Two C.D.copies.